

Brian C. Rocca, S.B. #221576  
brian.rocca@morganlewis.com  
Sujal J. Shah, S.B. #215230  
sujal.shah@morganlewis.com  
Michelle Park Chiu, S.B. #248421  
michelle.chiu@morganlewis.com  
Minna Lo Naranjo, S.B. #259005  
minna.naranjo@morganlewis.com  
Rishi P. Satia, S.B. #301958  
rishi.satia@morganlewis.com

**MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: (415) 442-1000

Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
New York, NY 10178  
Telephone: (212) 309-6000

Benjamin G. Bradshaw, S.B. #189925  
bbradshaw@omm.com  
Ian Simmons, *pro hac vice*  
isimmons@omm.com  
**O'MELVENY & MYERS LLP**  
1625 Eye Street, NW  
Washington, DC 20006  
Telephone: (202) 383-5300

*Counsel for Defendants*

Glenn D. Pomerantz, S.B. #112503  
glenn.pomerantz@mto.com  
Kuruvilla Olas, S.B. #281509  
kuruvilla.olasa@mto.com

**MUNGER, TOLLES & OLSON LLP**  
350 South Grand Avenue, Fiftieth Floor  
Los Angeles, California 90071  
Telephone: (213) 683-9100

Kyle W. Mach, S.B. #282090  
kyle.mach@mto.com  
Justin P. Raphael, S.B. #292380  
justin.raphael@mto.com  
Emily C. Curran-Huberty, S.B. #293065  
emily.curran-huberty@mto.com

**MUNGER, TOLLES & OLSON LLP**  
560 Mission Street, Twenty Seventh Floor  
San Francisco, California 94105  
Telephone: (415) 512-4000

Jonathan I. Kravis, *pro hac vice*  
jonathan.kravis@mto.com  
**MUNGER, TOLLES & OLSON LLP**  
601 Massachusetts Avenue NW, Suite 500E  
Washington, D.C. 20001  
Telephone: (202) 220-1100

Daniel M. Petrocelli, S.B. #97802  
dpetrocelli@omm.com  
Stephen J. McIntyre, S.B. #274481  
smcintyre@omm.com

**O'MELVENY & MYERS LLP**  
1999 Avenue of the Stars  
Los Angeles, California 90067  
Telephone: (310) 553-6700

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY CONSUMER  
ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:  
*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

**DECLARATION OF JUSTIN P.  
RAPHAEL IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION FOR LEAVE TO FILE  
[PROPOSED] RESPONSE TO NOTICE  
OF FILING OF CORRECTED  
PROPOSED ORDER GRANTING  
CONSUMER PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION**

Judge: Hon. James Donato  
Courtroom: 11, 19th Floor, 450 Golden Gate  
Ave, San Francisco, California, 94102

Case No. 3:21-md-02981-JD

**DECLARATION OF JUSTIN P. RAPHAEL**

I, Justin P. Raphael, declare as follows:

1. I am admitted to practice before all of the courts of the State of California and this Court. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel for Defendants in the above-captioned matter. I submit this declaration in support of [Proposed] Response to Notice of Filing of Corrected Proposed Order Granting Consumer Plaintiffs' Motion for Class Certification, MDL ECF 306. The contents of this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to the matters set forth in this declaration.

2. Under the Court's Amended Scheduling Order in this case, the deadline for Plaintiffs to file a motion for class certification was May 26, 2022. Consumer Class Plaintiffs filed their class certification motion on that date. MDL ECF No. 251.

3. Google filed its Opposition to Consumer Class Plaintiffs' Motion for Class Certification on June 23, 2022, MDL ECF 300, and Plaintiffs filed their reply on July 14, 2022, MDL ECF 306.

4. On July 28, 2022, Plaintiffs filed what they termed a Corrected Proposed Order Granting Consumer Plaintiffs' Motion for Class Certification. *See* MDL ECF 310.

5. Plaintiffs filed their July 28, 2022 "Corrected Proposed Order" without notice to Defendants and without seeking leave of Court.

6. On August 2, 2022, I e-mailed counsel for Plaintiffs asking whether they would stipulate to Google's request for leave to file a five-page response to Plaintiffs' Notice of Filing of Corrected Proposed Order Granting Consumer Plaintiffs' Motion for Class Certification. Plaintiffs' counsel indicated that Plaintiffs would not stipulate to Google's request for leave. A true and correct copy of my correspondence with Plaintiffs' counsel is attached hereto as Exhibit 1.

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct. Executed at San Francisco, California on this 2nd day of August,  
3 2022.

4 /s/ Justin P. Raphael

Justin P. Raphael

*Counsel for Defendants*